

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ROBERT (BOB) ROSS,	§	
	§	
Plaintiff/Counterclaim Defendant,	§	
	§	
v.	§	Civil Action No. 4:22-CV-00343-Y
	§	
ASSOCIATION OF PROFESSIONAL	§	
FLIGHT ATTENDANTS,	§	
MCGAUGHEY, REBER AND	§	
ASSOCIATES, INC., JULIE	§	
HEDRICK, AND ERIK HARRIS,	§	
	§	
Defendants/Counterclaim Plaintiff.	§	

**MOTION FOR SUMMARY JUDGMENT BY DEFENDANT COUNTERCLAIM
PLAINTIFF APFA FOR ENFORCEMENT
OF THE ARBITRATOR’S DECISIONS IN THIS CASE**

Defendant Counterclaim Plaintiff Association of Professional Flight Attendants (“APFA”), by its undersigned counsel, pursuant to Federal Rule of Civil Procedure 56, and Local Rules 7.1 and 56, hereby moves for summary judgment on its Counterclaim¹ by confirming and enforcing the Decisions of the Arbitrator against Plaintiff Counterclaim Defendant Robert Ross (“Ross”) at issue in this case.

SUMMARY

As shown in the accompanying Brief in Support of Summary Judgment,² there is no

¹ See APFA’s Counterclaim for enforcement of the Arbitrator’s Decisions against Defendant Ross and for other relief. Doc. 8 at PageID 107-117.

² Also pending before the Court is the Union Defendants’ Motion to Dismiss Ross’s Complaint seeking to vacate the Arbitrator’s Decisions in this case. (doc. 27). This motion will be fully briefed and ripe for decision after the Union Defendants file their reply to Ross’s response on or before October 5, 2022, as required by this Court’s Order of September 15, 2022. (doc. 40). (The Union Defendants previously filed a reply (doc. 34) on August 18, 2022 to a response filed by Ross, which response was thereafter un-filed by the Court).

genuine issue of material fact as to APFA's Counterclaim and, under Section 301(a) of the LMRA, 29 U.S.C. §185(a), APFA is entitled to judicial deference to, and enforcement of the Arbitrator's Decisions as a matter of law.

In accordance with LR 56.3(a) and (b) and LR 56.5(a), and this Court's requirements for motions for summary judgment, the elements of each claim as to which summary judgment is sought are stated under the heading "Summary" on the second page of the accompanying Brief in Support of Summary Judgment, followed by the "Statement of the Case" and the statement of "Undisputed Material Facts" and the "Argument" and citation to the legal authorities relied on in support of the grant of summary judgment.

In accordance with this Court's requirements, on the first page of the Brief, in a separate section under the heading "Identification of Live Pleadings," the live pleadings for each party who has appeared in this action are identified and listed by date and docket number.,

In accordance with LR 56.5(c) and LR 56.5 the materials in the record relied on in support of the grant of summary judgment are included in a separate, contemporaneously filed Appendix, the consecutively numbered pages of which are cited to in the Brief by the abbreviation "App." followed by the relevant page number(s) of the Appendix materials. The pertinent passages cited to are either underlined or bracketed in the margin.

WHEREFORE, for the reasons set forth above and in its Brief and Appendix in Support of its Motion for Summary Judgment, AFPA urges the Court to grant summary judgment in its

This Motion for Summary Judgment, if granted enforcing the Arbitrator's Decisions, will also effectively resolve and dispose of APFA's Counterclaim against Ross for breach of fiduciary duty for engaging in the same misconduct addressed by the Arbitrator (doc. 8 at PageID 116-117), entitling the Union Defendants to entry of Final Judgment in their favor on all claims and defenses as between Plaintiff Ross and the Union Defendants. The same is true for the companion case of *Vargas v. APFA et al.*. CA No. 4-22-430-Y.

favor on its Counterclaim to confirm and enforce the Arbitrator's Decisions against Ross and to order Ross to comply with the Arbitrator's Decisions in all respects.

Date: September 20, 2022

Respectfully Submitted,

/s/ Sanford R. Denison
SANFORD R. DENISON
Tex. Bar No. 05655560
Baab & Denison, LLP
6301 Gaston Ave., Suite 550
Dallas, TX 75214
Tel.: (214) 637-0750; Fax.: (214) 637-0730
Email: denison@baabdenison.com

WILLIAM W. OSBORNE JR.*
D.C. Bar No. 912089
Osborne Law Offices P.C.
5335 Wisconsin Avenue N.W., Suite 440
Washington, D.C. 20015
Tel.: (202) 243-3200; Fax: (202) 686-2977
Email: b.osborne@osbornelaw.com

*Counsel for Defendant Counterclaim Plaintiff
Association of Professional Flight Attendants, and
Defendants Julie Hedrick and Erik Harris*

*Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on this 20th day of September 2022 a true and correct copy of the foregoing document was served on the below listed counsel of record for Plaintiff/Counterclaim Defendant Ross by a means permitted by Rule 5(b)(2) of the Federal Rules of Civil Procedure (“F.R.C.P.”).

KERRI PHILLIPS
HEATHER ABREU
K.D. Phillips Law Firm, PLLC
5700 Tennyson Parkway, Suite 300
Plano, Texas 75024
Phone: (972) 327-5800
Fax: (940) 400-0089
Email: kerri@KDphillipslaw.com
Email: Heather@KDphillipslaw.com

MICHAEL R RAKE
Michael R. Rake, Attorney at Law
PO Box 1556
Lake Dallas, TX 75065
Tel.: (940) 498-2103
Fax: (940) 498-2103
Email: mrake1@mrakeattorney.com

/s/ Sanford R. Denison
SANFORD R. DENISON